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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

FWS/R6
ES

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Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

MAY 20 2003

Mr. Jeremy Nichols
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, Wyoming 82073

Dear Mr. Nichols:

This acknowledges receipt of your petition dated March 17, 2003, to list the American dipper in the Black Hills as a Distinct Population Segment (DPS), in accordance with provisions in Section 4 of the Endangered Species Act. You have requested emergency listing for the proposed DPS. The petition has been assigned to my Region for response.

We will not make a determination regarding the potential DPS designation for the dipper until we can complete a 90-day finding. However, we have performed a review of the threats described in your petition, and found no compelling evidence to support emergency listing at this time. The threats described in your petition, including water quality impacts from mining, grazing, and road construction, have been ongoing for many years. Population data on the species in the Black Hills appears to indicate fluctuations relating, at least in part, from winter weather conditions and periodic droughts. Our review of the petition and records in our files would lead us to conclude that the American dipper in the Black Hills is not in imminent danger of extinction, and emergency listing would not lead to immediate removal of the threats described in the petition.

Your petition has been assigned to the Pierre Ecological Services Field Office. All of our Fiscal Year 2003 funds will be allocated to activities in response to court-approved settlements, including a critical habitat determination for the Preble's meadow jumping mouse. We are funding litigation support for several court cases, including lawsuits over our failure to provide a 90-day finding on a petition to list the Colorado River cutthroat trout, and lawsuits concerning our threatened listing of the Canada lynx and our not-warranted finding on a petition to list the westslope cutthroat trout. We also have allocated funds to prepare a final listing determination for the mountain plover.

We will endeavor to process a finding on your petition as quickly as possible. Thank you for your interest in conserving wildlife resources.

Sincerely,

Regional Director